1867-006 Chancery Causes: Joseph Maitland & vs Thomas Pennington &c
Lee Co.

Reckless, Patrick, Kearny, Chapman, Crabtree Carter, Hughes,
Johnston, Satterthwaite

CA - Estate Dispute
T - Property

- Deed
Oversize Box 1:
- 3 Deeds

L. T. HYATT,

ATTORNEY-AT-LAW,

Jonesville, Va.

Mallard Price

To The Honorable Benjamin Estill Judge of the Circuit Superior Court for the County of Lee.

Humbly complaining unto Your Honor Your Orator Joseph Maitland and Your Oratrix Mary A. Rucklis respectfully represent that on the 25th day of January 1795 there was surveyed for John McCredie a tract of land lying and being in the County of Lee in the State of Virginia on the North Fork of Powell River and waters thereof containing according to Original survey Fourteen thousand and fifty Acres of land. A copy of the said Survey is hereunto exhibited marked A and is prayed to be taken as part of this Bill - Upon this survey a grant for the said land bearing date on the 8th day of March 1796 was issued from the Commonwealth of Virginia to John McCredie - a copy of which grant is hereunto exhibited marked B and is prayed to be taken as part of this Bill - On the 20th day of March 1797 John McCredie and James McMillan (the latter of whom had perhaps an equitable interest in the land) by Deed bearing date on that day conveyed the said tract of land (along with others) to John Patrick - That deed was duly recorded in the Clerks Office of the General Court, and has recently been recorded in the County of Lee - and a copy thereof is hereunto exhibited marked C and is prayed to be taken as part of this Bill - John Patrick died in 1826 leaving no relative of any kind capable of inheriting, and under the Virginia Statute of Descents his wife, Your Oratrix, Mary A. Patrick inherited the said tracts of land in fee simple - In 1837 Your Oratrix married Joseph W. Rucklis, and survived him, he having departed this life in February 1849. Since the death of her last husband Your Oratrix Mary A. Rucklis has sold the said tract to your Orator Joseph Maitland -

The taxes upon the said land were all fully paid up until the year 1832 inclusive, when for some cause, probably inattention or mistake, the Commissioner of the Revenue for the County of Lee reported the location of the said tract of land to be unascertainable and ceased to enter it upon his Land Books - as will appear by the certificate of the Auditor of Virginia hereunto exhibited marked D and prayed to be taken as part of this Bill - The taxes since 1832 would have been paid had it been in the power of Your Oratrix to pay them, but not being charged she could not do so. Since his purchase Your Orator has through his counsel applied to the Commissioner of the Revenue for the County of Lee to enter the tract upon his land books and charge the same with arrearages of taxes and to request the Sheriff to send the tax bill to his counsel for payment; and as soon as that is done the taxes thereon will be paid and evidence thereof filed among the papers as an Exhibit marked E. which it is prayed may be taken as part of this Bill -

Since the said sale Your Oratrix to Your Orator they have been surprised to learn that a claim is set up to the said land, or to all thereof except one hundred acres by Edward Pennington and Thomas Pennington of the County of Lee under a deed to them from Claiborne Andrews of the County of Lee, bearing date on the 7th day of September 1840, which deed does not appear to give them any color of claim or title thereto - A copy of this deed is hereunto exhibited marked F and is prayed to be taken as part of this Bill - Under this claim Your Petitioners are informed that Edward and Thomas Pennington have lately prospected of and agreed to dispose of

some portion of the said track of land - The ground of this airy and imaginary claim to, and unwarrantable appropriation of the land which then belonged to Your Oratrip as far as can be gathered from the deed to them and the proceedings out of which that deed emanated seems to be as follows - viz. That at some time previous to the execution of this deed Claiborne Anderson claiming to act as Commissioner of Delinquent and forfeited lands for the County of Lee had reported to the Superior Court of that County various tracts of land as liable to sale under the act of "March 30. 1837 entitled an act to amend and explain the laws concerning Western Land Titles and for other purposes" & among those tracts reported a track of Fourteen Thousand and fifty acres as delinquent "in the name of John and James Mc Grady and others, the owners thereof" "for the non payment of taxes due thereon for the year ——— which taxes together with the taxes thereon chargeable by law amount to the sum of ———" or in other words taxes for no particular year or years amounting to no particular sum — Upon this very lucid & definite report the Superior Court of Lee acting under the authority of the said law on the 11th day of April 1840 entered "a decree requiring the Commissioner to make sale of the said track of land - which was a track belonging to John and James Mc Grady and others — and in obedience to that decree the Commissioner on the 15th day of June 1840, being the first day of June Court offered the track belonging to John and James Mc Grady and others for sale when according to the report of sale made to the Court it was purchased by Job Crabtree, and according to the deed it was purchased by Thomas and Edward Pennington for the sum of Fourteen dollars and fifty cents — Upon the first day of September following the Commissioner executed a deed bearing date on that day which conveys to Thomas and Edward Pennington "all the estate right title and interest and claim to the said portion of the said track or parcel of land with the appurtenances aforesaid which he is authorized to convey under said decree and which was vested in the said John and James Mc Grady and others" - or in other words whatever title John and James Mc Grady had to a track of 14.050 acres of land - which track, it does not appear as there was no plat survey, platt or deed filed showing what land it was that John and James Mc Grady and others were supposed to be the owners of - Under this course of proceedings and deed Thomas and Edward Pennington by a course of principal deductive reasoning, an exhibit of which would be at least amusing, seem to have brought their minds to a conclusion that the property of Your Oratrip was what they purchased, and to the great inconvenience of Your Petitioners have, under this mistake, since set up a claim to and taken possession of it -

Your Orator and Oratrip are advised and charge that under this deed, and the proceedings which led to it Edward Pennington and Thomas Pennington obtained no right or title whatever to the land of Your Oratrip - That his title was not in the slightest degree divested thereby, and that Edward and Thomas Pennington acquired no authority whatever to set up any claim to the property - and for the following among other reasons - viz -

First - Because the track offered for sale by the Commissioner and conveyed to Thomas and Edward Pennington purported to be a track belonging to John and James Mc Grady and others, and to have been forfeited for their delinquency - Only such a track was reported for sale, only such a track directed to be sold - only such a track sold and conveyed to them, for only such a track could the Commissioner sell and convey, and under that sale they acquired no title to any thing else than a track of 14.050 acres belonging previous to the sale to John and James Mc Grady and others, and forfeited for their delinquency - If such a track existed the Misses Pennington purchased it, if the proceedings were regular and legal, but no matter how regular and legal those proceedings were they purchased nothing else and acquired title to nothing else - Such a description in no manner applies to the track of land which was the property of Your Oratrip - It never was at any time whatever the property of "John and James Mc Grady and others", and as heretofore shown, and proved by the exhibits, never was at any time forfeited - Whether there were ever such persons as "John and James Mc Grady and others" and if there were whether they owned any track of 14.050 acres in the County of Lee Your Petitioners can not say, for they do not know, but it is incumbent upon the purchasers at this tax sale to show that the land they take possession of or lay claim to is or was at the time of the sale the property of "John and James Mc Grady and others" - It is thus evident that the track which Your Oratrip ~~is~~ owned was not sold -

Second - Because the track of Your Oratrip was not only not sold, but was not liable to be sold, and if sold, the sale would have been illegal and void The Commissioner of Delinquent and Forfeited Lands were entitled to sell only two classes of lands - One class comprised lands forfeited for the non payment of taxes duly charged thereupon - The other class comprised lands forfeited for the failure of the owners to enter them upon the Books of the Commissioner of the Revenue - The land of Your Oratrip could not be brought under either of those classes - It was not forfeited for non payment of taxes charged upon it for all taxes charged are shown to have been paid (See &c) It was not forfeited for non entry upon the books of the Commissioner of the Revenue because it was entered up to 1832 inclusive & the statute declares (See act of March 30. 1837 Sec 1) that no lands omitted since 1831 shall be deemed forfeited for omission - Besides this they were not omitted by any fault of Your Oratrip but by the action of a sworn officer of the Commonwealth - Not coming under either of those two classes the Commissioner could not sell the land of Your Oratrip, and if he did sell it, the sale was void either for fraud or mistake, and would be set aside by a court of Equity —

Third - Because if it was intended to sell the land of Your Oratrip the Commissioner did not discharge his duties in conformity with the statutes defining and regulating those duties, and his departure from those statutes renders his entire action illegal from the first up to the execution of the deed - By the act of March 30. 1837 Section 3rd, he is required to report to the Court a correct description of the property and "all the information which he may be enabled to procure with reg and to the state of the titles to the said lands" - meaning those reported by him to the Court for sale - and the act of March 15. 1838 Section 7. directs the Auditor of Public Accounts - the Register of the Land Office, and the Clerk of the General Court to furnish to the Commissioner upon application all information respecting their duties which their respective offices can afford - It therefore became the duty of the Commissioner who made the report to apply to the Register of the land office for a copy of the survey and Grant so as to show the Court what was to be sold, and to the Clerk of the General Court to enquire into the state of the title - Had this been done it would immediately have appeared to the Commissioner that the land was

were the property of "John and James McCrady and Others" but was in 1797 conveyed to John Patrick, and the records of his own county would have shown that it had never passed from John Patrick until his death when Your Orator inherited it, and that the land was not liable to sale. Until a proper report was made the Court had no jurisdiction under the act, and could not decree a sale or sanction the subsequent proceedings. This failure to make a proper report, which is equivalent to a failure to make any report vitiates and renders illegal the whole proceedings. Other fatal defects however are apparent on the face of the proceedings. No evidence was exhibited to the court, or shown by the subsequent proceedings that there had been any delinquency or any proper steps. The taxes are not represented to have been due for any given years, or to amount to any specified sum. There is no evidence in the proceedings that the land was duly advertised. It is apparent that there are no survey made of the land, either to identify it, or to make it sell better. These constitute some of the defects and departures from the requisitions of the law apparent in the proceedings. It is evident and Your Petitioners charge that the law were not complied with and that the proceedings are invalid irregular and illegal.

Your Orator and Orators are not willing to charge upon the Commissioners any intentional fraud in making up his report and to his sale or upon Edward and Thomas Pennington any intentional fraud in making claim to and taking possession of what they were not entitled to, but hope to believe it to have been a mistake on the part of the Commissioner as to his duties and a mistake on the part of Edward and Thomas Pennington as to their purchase, and the right and property acquired [illegible] to them from the Commissioner to them. But they do believe and therefore charge that it is the result either of a fraud or of a mistake, especially on the part of the purchasers, and whether it be the result of fraud or mistake your petitioners are advised that it is the peculiar province of equity to relieve them against it. And whether it be the result of fraud or mistake it works an equal and great injury and detriment to your petitioners by prejudicing the title, and hindering and impeding Your Orator in the enjoyment of the property which he has purchased, for until the deed from Claiborne Anderson to Thomas and Edward Pennington be set by some competent tribunal set aside, or declared to pass no title to the land of your Orator, Your Orators can not convey a perfect title to Your Orator, and Your Orator can not have undisturbed possession of his property.

In tender consideration whereof, and inasmuch as your Orator and Orators are without remedy save in a Court of Equity where such mistakes or frauds are properly cognizable and relief against Your Petitioners humbly pray that Thomas Pennington and Edward Pennington may be made parties defendant to this Bill unto all apt and proper words to charge them thereunto and unto all the allegations therein contained, and be required to make full true and perfect answer under oath to all the said allegations as fully and completely as though the same were here repeated. That they say whether the tract they claim under the said proceedings and deed from Claiborne Anderson is or is not the same which is described in the survey and plat hereunto exhibited marked A & B. and if so how the said proceedings gave them any claim to the said tract. Whether they took possession of the land of Your Orator Petitioners by mistake, or with the fraudulent in- of their rights under the said deed

tenture of obtaining possession of land which they know not to be theirs whether they have sold or disposed of any portions of the said land, and if they have that they disclose what sales they have made, to whom, at what price, and how much of the purchase money they have received

Your Petitioners further pray that the said deed from Claiborne Anderson as Commissioner aforesaid to Thomas Pennington and Edward Pennington may be by this court set aside on the ground of fraud or mistake so far as it may be supposed to convey any title to the tract mentioned and described in Exhibits A & B or to any part thereof, and be declared not to divest in any way the title which has been sold to Your Orator by Your Orators, or to invest Thomas Pennington and Edward Pennington with any title thereto and that the said Thomas Pennington and Edward Pennington do render unto Your Orator full and undisturbed possession of the said tract of land, and for such other and further relief as to equity may seem meet, and the nature of their case requires. And your Petitioners pray &c—

Johnston & Pickerson
for Complts.

Maitland &al

vs.

Pennington

Bill and Exhibits

1851 Oct. Dft's Demurrer & Ans. filed
Nov. & Dec. continued
1852 Jany. Feby. March April
May & June Subpna.
continued
Sept. Dfts. Amd. filed
Oct. Nov. & Dec. cont'd
1853 continued
1854 Jany continued.
Feb. Set for hearing
by the complainants
May cont'd for Dfts.
Oct. cont'd for Dfts.
Nov. Dec continued 1855 continued
1856 continued 1857 continued
1858 Jany. Febry. March April May June
concluded

To the Hon George W Hopkins Judge of the Circuit Court of Lee County. The answer of Thomas Pennington and Edward Pennington to the bill of complaint of Joseph Maitland and Mary A Rucklys exhibited in this Honorable court against these Defendants. These Defendants after saving and reserving to themselves the benefit of all just and proper exceptions to said bill for its manyfold imperfections uncertainties and misstatements for answer thereto saith that they are advised that ~~Mary A Rucklys~~ Mary A Rucklys is not the sole heir of John Pabuck Dec'd as alledged in the bill and that the real estate of John Pabuck Dec'd did not descend to her in fee simple under the laws of Va Your Respondents would further state that from the allegations of the bill the Complainants had ample remedy at law to investigate and compare titles in regard to the tract of land in the bill mentioned, with your Respondents title thereto, and that a court of law is the proper forum in which to investigate the same and consequently that a court of equity will not entertain jurisdiction of the case but leave the parties to rest upon the comparative strength of their legal titles respectively — Respondents charge that the tract of land in the bill mentioned has been forfeited to the Commonwealth of Virginia, and that all right title and claim of Complainants and of those they claim under has been forfeited to the Commonwealth for failing to have the said tract of land entered and charged upon the Commissioners books in the name of the proper owners or claimants thereof — Respondents also charge that the same has been forfeited for the non payment of the taxes due thereon and has been regularly and legally sold therefor and is now irredeemable, and ~~I~~ Your Respondents have acquired right and title thereto by conveyances, the payment of taxes, and continued

possession of said tract of land for a number of years sufficient to perfect their title under the law

Your Respondent would further state that the said trail of 14050 acres was returned delinquent by the Sheriff of Lee County pursuant to law in the name of Jno & Jas McCredie & others for the non payment of the taxes due thereon for the years 1832-3-4-5-6 and the said tract of land not having been redeemed was sold pursuant to law by the said Sheriff at the front door of the Court House of Lee County at the August Court of said County in the year 1876 at which sale Robt Crabtree became the purchaser at the price of $37,70 and on the 2nd day of August 1877 Josiah Ewing the High Sheriff of said County pursuant to said sale and by the authority of said Sale conveyed the said tract of 14050 acres of land to the said Job Crabtree for the consideration aforesaid all copy of which deed is herewith filed as part of this answer marked 4, the same having regularly recorded in the Clerks office of said County pursuant to law; and the said Job Crabtree took possession of said tract of land under his said purchase and has been retained by him and those claiming under him to the present time and the said Job & Crabtree and those claiming under him paid the taxes due on the said lands for all the years.

Your Respondent would further state that about the year 1837 after the death of the said Job Crabtree, his heirs to wit James Crabtree Roberts Wynn and Mary his wife formerly Mary Crabtree & Jacob Crabtree executed a deed by which they conveyed to your Respondents Edward Pennington and Thomas Pennington 13000 acres of this said tract of 14050 acres of land for the consideration of about $350 or $400,00 and Respondents took possession of said survey of land under said purchase which they have retained to the present time and in the year 1838 the said 13000 acres of land was charged on the commissioners books to Respondents which books are referred to as part of this answer and Respondents have paid the taxes thereon from 1838 regularly to the present time. The said deed was deposited in the Clerks office of Lee County to be recorded and has been lost or mislaid which is to be found will be filed herewith as part of this answer marked B,

Your Respondents would further state that on the 1st day of September 1840 Clabourn Anderson Commissioner of delinquent and forfeited lands of Lee County pursuant to the decree of the Circuit Superior Court of Law and Chancery of said County conveyed to your Respondents Edward & Thomas Pennington the said tract of 14050 acres of land (excepting in said conveyance two fifty acre tracts patented to the aforesaid Job Crabtree) The said tract of land having been returned delinquent for the non payment of the taxes due thereon and having been duly advertized and sold by said Commissioner under said decree pursuant to law; and your Respondents then being in the possession of said tract of land have retained the possession as aforesaid to the present time and the said tract of land has been charged to Respondents on the Commissioners books of said County and they have regularly paid the taxes thereon; A copy of which deed from said Anderson to Respondents is herewith filed as part of this answer marked C,

In Confirmation of Respondents title to said tract of land they would beg leave to state that on the 15th day of November 1832 Abraham Crabtree and Robert W Wynn Exrs of Job Crabtree Dec'd conveyed to Respondents a boundary of said survey estimated at two hundred and seventy Acres but which really includes

five hundred acres a copy of which said
patent herewith filed as part of this answer marked
(D, which Respondents have possessed and
paid taxes for ever since.

On the 13th day of December 1819 there
was patented by the Commonwealth of Virginia to Job
Crabtree 50 acres of land a part of said 14050 acre
survey which is a part of said 500 acre boundary
conveyed by said Job Crabtrees Exrs to Respondents
which patent is herewith filed as part of this answer
marked (E,

On the 1st of July 1820 there was patented
to Thomas Pennington 40 acres a part of said
14050 acre survey which is herewith filed as
part of this answer marked (F, to which
Respondents have title

On the 4th of February 1815 there
was patented to Respondent Edward Pennington
100 acres of land a part of said survey which
patent is herewith filed as part of this answer
marked (G,

On the 22nd of March 1842 Benjamin
Dickinson conveyed to Thomas Pennington 50 acres
of land within said survey to which Respondents
have derived right the same being originally
patented to Job Crabtree

On the 11th day of November 1834
there was patented to Willoughby Day 25 acres
within said survey to which Respondents have
right

On the 4th day of February 1815 there was
50 acres within said survey patented to Respondent
Edward Pennington which is herewith filed as
part of this answer marked (H,

On the 13th of March 1818 there
was patented to Respondent Edward Pennington

& to a survey thereon said survey which is herewith filed as part of this answer marked (A) 1.

On the 26th day of June 1786 there was patented to James Campbell 440 acres which is the most of the boundaries of said Survey to which Respondent Edward Dennyton has title by conveyances through various persons from the patentee down to Respondent, all & which are prayed to be taken as part of this answer of all which lands Respondents have been possessed and have regularly paid the taxes thereon from the date of the titles of Respondents titles to the present time - Respondents are advised that under the law of the land recognized by the Courts of Virginia and by the Supreme Court of the United States, their long and undisturbed possession of said survey of land under their said title papers constitutes a perpetual bar to any recovery against them either at law or in equity (2nd Rob Prac 253)

Respondents would further state that there are various other citizens of Lee County that have obtained patents and conveyances to lands within the boundaries of said survey against whom the Complainants could not obtain a recovery, and who ought to be before the Court for the protection of their rights, viz Jacob Hoover Joseph A Harris Hiram Ely Stephen Napier Henry Graham Levi Dennyton, Stephen Parsons Fleteher Carter & Patterson Zion. Respondents pray that Complainants be required to amend their bill so as to bring the said Jacob Hoover & others as parties Defts before the Court to defend their several interests in said

survey and involved in said suit And
Respondents having fully answered the
Complainants said bill pray that they
be probated and quieted in the possession of
their said lands and that they be hence
dismissed with their costs &c

Kane

Lee County to wit

This day Thomas Pennington
personally came before me the undersigned
a justice of the peace in & for said County
and made oath that the statements contained
in the foregoing answer are true so far as they
depend upon his own knowledge and that
so far as they depend upon the information
derived from others he believes them to be
true Given under my hand this 17th
day of August 1852

Hiram Riggs JP

Edward & Thos Pennington

ads } Answer

Joseph Maitland & M A Rutledge

1852 Sept. Rules filed

At a District court of appeals for the 7th District, Continued and held at the Court House in Abingdon Washington County, Va on the 23rd day of July 1867.

Thomas Pennington & Edward Pennington } Appellants

Vs

Mary A Reckless & Joseph Maitland } Appellees

Upon an appeal from a final decree of the Circuit Court of Lee County, pronounced on the day of October 1855, in a suit in which the appellees were Complainants, and the appellants were defendants

This day came the parties by their ~~Counsel~~, and the court having maturely considered the transcript of the record of the decree aforesaid, and the arguments of counsel, is of opinion that upon the facts alleged in the pleadings and appearing in the evidence, the said Circuit Court sitting as a court of equity was incompetent, from want of jurisdiction, to determine the questions involved in this suit the same being questions of titles to the lands in the bill and proceedings mentioned, and that thus the said decree is erroneous. It is therefore adjudged, ordered and decreed that the same be reversed and annulled, and that the appellants recover against the appellee Joseph Maitland their costs by them in this court expended, - and this

court proceeding to pronounce such decree as the Circuit court should have pronounced, it is further adjudged, ordered and decreed that the bill of the complainants be dismissed, and that the defendants recover of the complainants their costs in the Circuit court expended. But this decree is without prejudice to the right of the appellees or either of them, if any they have, to institute such action or actions at law, as they may be advised to institute, for the recovery of the said lands or any portion of them.

Which is ordered to be certified to the Circuit Court of Lee County.

Appellants cost in this court $47.17

A. Copy Teste.

B. Hammonds C. D. C.

Judges. Campbell. Harris & Sheffey Dissent.

Thos. & Edwd Pennington

vs. 3 3 Decree Dist Court Appeals

Mary A. Recklefs & Jos. Maitland

City order Book pp 107.

Joseph Maitland & Mary A. Reckley vs Thomas and Edward Pennington - In Chy.

This cause came on to be heard This day of October 1855, on the bill of Compltt, The answer of defts, and replication thereto, the exhibits filed and depositions of witnesses, and was argued by counsel.

It is therefore adjudged ordered and decreed That the deed in Compltt, bill mentioned from Claiborne Anderson Commissioner of delinquent & forfeited lands for Lee County, to the defendants, dated the first day of September 1840, be and the same is hereby declared to be set aside, and rendered null & void.

And the court is of opinion that the deed from Joshua Ewing high Sheriff of Lee County to Job Crabtree dated 2nd day of August 1817 and made an exhibit with defts answer, is void, and cannot be the foundation of a right to the land in Compltt, bill mentioned, and that the right claimed by the defts under said deed cannot bar the Compltt, recovery in this suit. And the court is further of the opinion, that as there is no proof in the cause to show that the land embraced in the other title papers made exhibits with defts, answer, lies within the boundary claimed by the Compltt, and there being no proof in the cause to show that the defts, have had and held possession of the land, or any part thereof covered by said title papers

~~of the same~~, That said exhibits do not prevent the
can
Complts. from recovering in this suit. It is therefore
further adjudged ordered and decreed That the defts.
surrender to the Complts. the possession of so much of the 14050
acres of land in the Complts bill mentioned, as
was conveyed to the defts. by the ~~said~~ ~~from~~
Claiborne Anderson Comr as aforesaid, by the
said deed dated the first day of September 1840.
And that the defts. pay to the Complts. their
costs in this behalf expended.

Maitland & Pickens
for Complts

Thos. E. Pennington
Oct. 1855

Edward Pennington & Thomas Pennington

Take Notice that we shall on Saturday the 8th day of April 1854 between Sunrise and Sunset in the Parlour of the City Hotel in the Town of Perth Amboy in the County of Middlesex and State of New Jersey proceed to take the depositions of James Chapman and others to be read as evidence upon the Trial of a certain Suit now pending in the Circuit Court of Lee County in which we are Plaintiffs and you are Defendants - and if from any cause the taking of said depositions shall not be commenced, or being commenced shall not be completed on that day - then the taking thereof will be continued from day to day or ~~and~~ from time to time until completed

February 28. 1854-

Mary A Reckless
Joseph Maitland

State of Virginia
County of Lee } To Wit

I Jonathan Richmond a Justice of the Peace in and for the County aforesaid in the State of Virginia do hereby certify that Levi Pennington this day made oath that he did on the 21st day of March 1854 deliver a true Copy of the foregoing notice to Edward Pennington and Thomas Pennington - Given under my hand and seal this 21st day of March 1854

Jonathan Richmond J.P.

THE COMMONWEALTH OF VIRGINIA, TO any justice of the peace or Notary Public or Notary Public of Perth Amboy, county of Middlesex, New Jersey ——— Gentlemen Justices, greeting: Know you that we, trusting to your fidelity and provident circumspection, do require you that, at such certain times and places as you shall appoint, to call and cause to come before you Revd. James Chapman & Lawrence Kearney ———

witnesses on behalf of Mary A. Recklefs & Joseph Maitland ———

in a certain matter of controversy in our circuit Court of Lee County, depending between Mary A. Recklefs & Joseph Maitland Complainants and Thomas & Edward Pennington defendants ———

and them diligently examine touching the same in solemn form, on oath or affirmation, and having received their examination as aforesaid, that you distinctly, plainly and without delay, send and certify the same inclosed into our said Court, together with this writ. Witness, JOHN W. S. MORISON, Clerk of our said Court, at the Court House this 22nd day of March 1853 in the 77th year of the Commonwealth.

J. W. S. Morison Clk.

Mary A. Rucklefshaw

vs

W. B. Bennington

The Depositions of Lawence Kearny and James Chapman, taken before me, Stephen B. Paterson, a Notary Public for the State of New Jersey, in the parlor of the City Hotel, in the City of Perth Amboy, County of Middlesex, and State aforesaid, on Saturday the Eighth day of April, Eighteen hundred and fifty four, between the hours of sunrise and sunset, in pursuance of the annexed Commission and Notice, on behalf of the Plaintiffs to be read in evidence upon the trial of a Certain Cause now pending in the Circuit Court of Lee County, in the State of Virginia, in which Mary A. Reckless and Joseph Maitland are Plaintiffs, and Thomas Pennington and Edward Pennington are Defendants.

Lawrence Kearny, a Witness of lawful age, being by me first duly sworn upon the Holy Evangelists of Almighty God, answers and says as follows to the questions propounded to him.

Question First by Plaintiffs Counsel — Do you know the parties in this suit, either or which of them? if aye, state how long you have known them, or either of them —

Answer — I have a very slight acquaintance with Joseph Maitland; but I have been very intimately acquainted with Mary A. Reckless from Childhood. I do not know the defendants —

Question 2d by Plaintiffs Counsel — What is your age, profession, or occupation?

Answer — I am sixty four years of age, and am a Captain in the United States Navy —

Question 3d by Plaintiffs Counsel — Was the said

L Kearny

S. B. Paterson, J.

Mary A. Reckless ever married? if age, state what was her maiden name, and when and to whom has she been married.

Answer. She has been twice married; first to John Patrick of Perth Amboy New Jersey, doing business as a Merchant in the City of New York; and since the decease of the said John Patrick, she was married to Joseph W. Reckless of Perth Amboy. Her maiden name was Mary Ann Goelet. She was married to John Patrick on the 8th day of February 1817; and she was married to Joseph W Reckless on the 2d day of October 1837.

Question 4th by Plaintiffs Counsel. Where did the said John Patrick reside, what was his business, and when and where did he die?

Answer. He resided at Perth Amboy, but did business as a shipping merchant in the City of New York. He died on the 31st day of October 1826 in Perth Amboy I believe, but am uncertain.

Question 5th by Plaintiffs Counsel. Did the said John Patrick leave any issue, or brothers or sisters, or other relatives living at the time of his death? if age, give the name or names of such relatives, and state which of them, or who succeeded to the estate of the said John Patrick at the time of his death.

Answer. He died without leaving any issue; nor do I know that he left any brothers, sisters, or

J. R. Peterson

other relatives living at the time of his death; nor do I know of any up to this time. His widow, Mary Ann Patrick, now Mary Ann Reckless, succeeded to all his estate, real and personal.

Question 6th by Plaintiffs Counsel — Is the said Joseph W Reckless still living? if nay, state when and where he died, and did he leave any issue by the said Mary Ann Reckless?

Answer — He is not living. He died on the 2d day of February 1849, near Plainfield in the State of New Jersey, where he and his wife then resided, without leaving any issue by the said Mary Ann Reckless

Question 7th by Plaintiffs Counsel — Did the said John Patrick or Joseph W. Reckless leave a last Will and Testament —

Answer — I am positive that neither of them left a Will. After the death of John Patrick, I lived for many years in the house of Mrs Mary Ann Patrick, which I rented from her during several years of that time. All the time I lived in that house she was an inmate of my family, and is so still at times where I now reside; and if either John Patrick or Joseph W. Reckless had left a Will I should have known it

Question 8th by Plaintiffs Counsel — What was the general character and reputation of the said Joseph W Reckless during the last few years of his life?

Answer — He was a dissipated man, and not to be relied on in any way. It was notorious

L Keasey

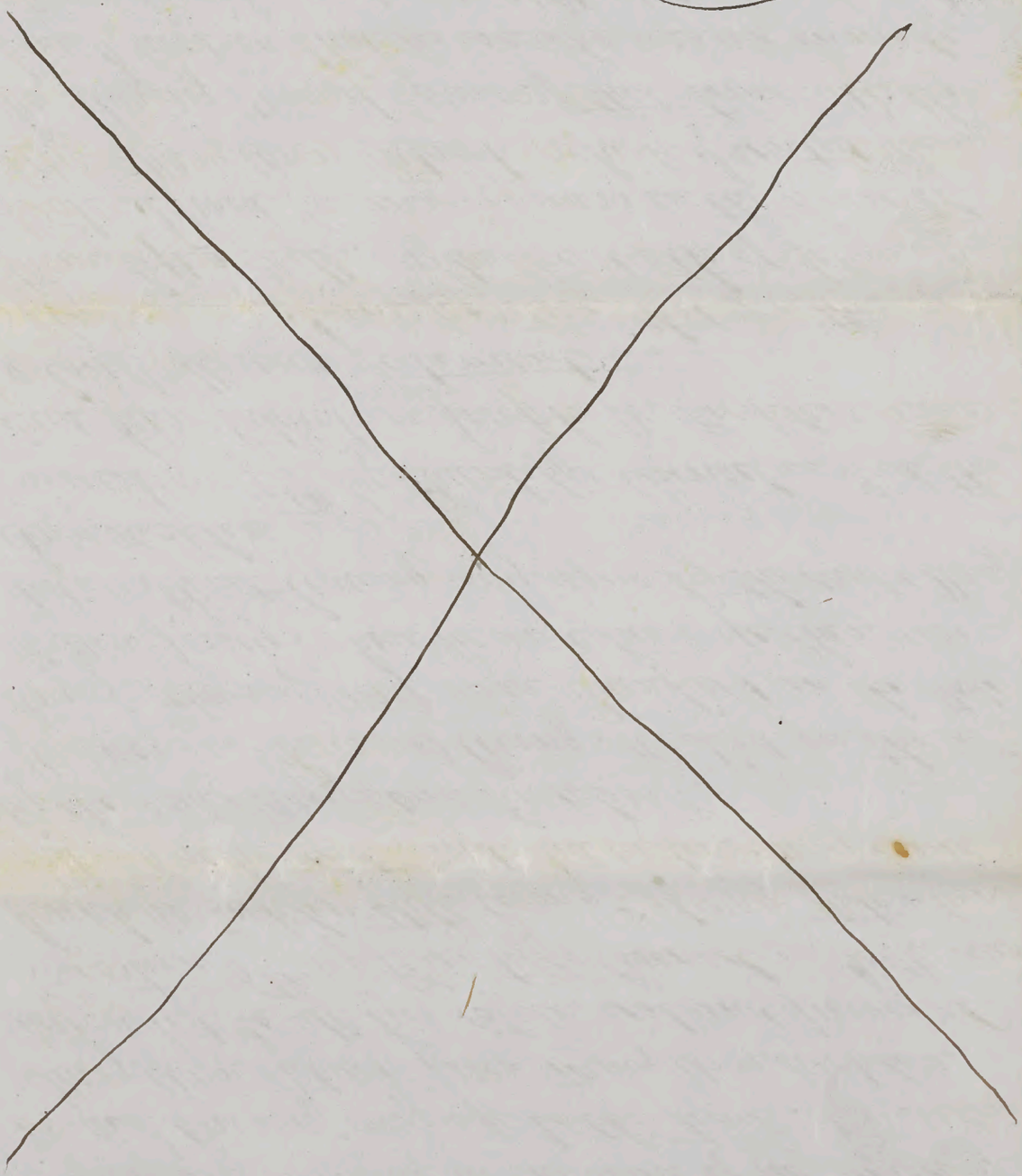
E. C. Patterson

that he was a confirmed drunkard during the latter part of his life, and that his mind was much affected by his habits —

Question 9th by Plaintiffs Counsel — Do you know anything else material to the Plaintiffs in this Cause: if aye, state the same as fully as if you were interrogated thereto —

Answer — Nothing material of my own Knowledge —

L Kearny



James Chapman, a Witness of lawful age, being first by me duly sworn upon the Holy Evangelists of Almighty God, answers and says as follows to the questions propounded to him —

Question First by Plaintiffs Counsel — Do you know the parties to this suit? either, and which of them? if aye, state how long you have known them, or either of them —

Answer — I know Mary Ann Reckless. I have known her since the year 1809, the time I became Minister of this Parish in Perth Amboy. I know Joseph Maitland slightly about two years. I do not know the defendant —

Question 2d by Plaintiffs Counsel — What is your age, profession, or occupation, and where do you reside?

Answer — I am sixty eight years of age, and am a Clergyman of the Protestant Episcopal Church, and reside here at Perth Amboy —

Question 3d by Plaintiffs Counsel — Was the said Mary A. Reckless ever married? if aye, state what was her maiden name, and when and where, and by whom and to whom, has she been married —

Answer — She has been twice married, I believe. She was first married to John Patrick: I married them on the 8th day of February 1817, in the Parsonage House of St. Peter's Church Perth Amboy. After the decease of the said John Patrick, I believe she married Joseph W. Reckless. I was not present at the ceremony, but know they lived together in Perth Amboy as man and wife,

James Chapman — S. R. Peterson

and am perfectly satisfied that they were married. I cannot recollect the time when she was married to Joseph W. Reckless. Her maiden name was Mary Ann Goelet when she married John Patrick. I entered in the Book of Parochial Records of St Peters Church in Perth Amboy the Marriage of John Patrick to Miss Mary Ann Goelet, on the 5th day of February 1817, the time the Marriage was celebrated. This paper which I hold is a true Copy from the said Parochial Records (This Copy of the Record referred to by J. Chapman, is hereto annexed, signed by me, Stephen D.R. Paterson, and is marked A.). I was at that time Minister of St Peter's Church in this place.

Question 4th by Plaintiffs Counsel — Where did the said John Patrick reside, what was his business, and when and where did he die —

Answer — He resided in Perth Amboy, was a merchant in the City of New York, and died in that City. His body was brought from New York here, and buried in St. Peter's Church yard, on the 2d day of November 1826. I performed the funeral service at his grave. I believe he died two or three days before his interment —

Question 5th by Plaintiffs Counsel — Did the said John Patrick leave any issue, or brothers or sisters, or other relatives living at the time of his death? if aye, give the name or names of such relatives, and state which of them or who succeeded to the estate of the said John Patrick at the time of his death —

As James Chapman — S.R.D. Paterson,

Answer — The only heir I knew to his estate, that I ever knew, was his Widow Mary Ann Patrick. I believe she succeeded to all his estate. I never knew of any issue, or brothers or sisters, or other relatives of the said John Patrick living at the time of his death —

Question 6th by Plaintiffs Counsel — Is the said Joseph W Reckless still living? if nay, state when and where he died, and whether he left any issue by his Wife the said Mary Ann Reckless —

Answer — I believe he is dead, but I cant state when or where he died. I believe he left no issue by his Wife Mary Ann Reckless. I never knew of any —

Question 7th by Plaintiffs Counsel — Did the said John Patrick and Joseph W Reckless leave a last Will and Testament?

Answer — I do not know whether they, or either of them left a Will. I believe that John Patrick did not leave any Will. It was so understood by me at the time of his death. I know nothing, one way or the other, of Joseph W. Reckless leaving a Will —

Question 8th by Plaintiffs Counsel — What was the general Character and reputation of Joseph W. Reckless during the last few years of his life —

Answer — He was very much addicted to drink; so much so, that during the last few years of his life his intellect was much impaired, rendering him for some time before his death

James Chapman — S. R. Peterson

incompetent to attend to business —
Question 9th by Plaintiffs Counsel — Do you know any thing else material to the Plaintiffs in this Cause? if any, State the same as fully as if you were particularly interrogated thereto —
Answer — I know nothing further —
James Chapman

I, Stephen R. Paterson, Notary Public aforesaid, do hereby at the request of the Plaintiffs, certify that the said Lawrence Kearny and James Chapman, Witnesses before examined, are and have been for years well known to me — that they are of the occupations and positions which they severally represent themselves to be, and all their statements are entitled to the fullest faith and confidence — In Testimony of the true and correct taking of the foregoing Depositions, all written with my own hand, and of the signatures of the Witnesses thereto, I, Stephen R. Paterson, a Notary Public as aforesaid, have hereunto set my hand and attached my official seal this Eighth day of April A.D. One thousand eight hundred and fifty four at Perth Amboy, in the County of Middlesex and State of New Jersey.

S. R. Paterson
Notary Public

(A)

John Patrick to Miss Mary Ann Goelet
Febuary 8th 1817 — J. Chapman

The above is a Corect Extract from the Book of Parochial Records of St. Peter's Church, Perth Amboy, produced before me, and identified by J. Chapman, and referred to by him in his Deposition as marked A.

S. R. Paterson
Notary Public

Rudolph H Maitland

vs Interpleaders

J. Pennington et al

Received Sealed the 23rd

day of April 1851

D. W. S. Morison Cl

William H. Hughes a witness of Lawful age being first duly Sworn deposeth and sayeth question by Deft do or do you Know anything of Robt Crabtree having Possession of the Tract of Land said to be the McRady land. I, do. he had it in Possession about Thirty five years ago and Rented the land and Rec'd Rents for the Same and further the witness sayeth that said Crabtree & his heirs and Decisions have had Possession of the above named land ever Since and Further this witness Sayeth not.

William H. Hughes

James Crabtree a witness of Lawful age being first duly Sworn deposeth and sayeth question by Deft do or do you not Sell the Tract of land Known as the McRady land to Edward & Thomas Pennington = ans. I did and Received the other heirs interest in the land. and to my Recollection we had a deed Rote and ~~and~~ acknowledged and Placed in the Clerks office and if it is Said Know that the deed is Mislayed or lost. question by Deft, how long ago did you Sell this land to Pennington ans Some 18 or 20 years ago. question by Deft What do you Know about this land being Sold by Decree of Court = Answer. from Some cause or other the above named land ~~Sold~~ after I had Sold the land to Penningtons it was Sold from Some cause and. I, bought the land at public Auction and directed the Shriff Or Commissioner to make Penningtons. a, Right to the Same and Further this witness Sayeth not

James Crabtree

Virginia. Lee County, to wit.

I Andrew J. Litton, an acting justice in & for Said County, do hereby certify that the foregoing depositions

Persuant to a notice accompanying These depositions. I Proceed to take The depositions of Abraham Crabtree & others at The time and place appointed in The Notice, to be read as evidence in a suit in Chancery now pending in the Circuit Court for Lee County wherein Joseph Maitland & Mary Rectley are complts. and Thomas & Edward Penningtons are Defts.

Abraham Crabtree a witness of Lawful age being first duly Sworn Deposeth and Says Question By Dept Dost or do you not know That your Father Is of The Nearly Tract of Land for Back Taxes ans= I Know he did, and Some time after The Sale There was Money Sent for Redemptions of Lands and Father applied for his Purchase Money and The Clerk Replied There was None for him Father then ast him What Shall I do for my Money, The Clerk Replied to make The Sheriff make you a deed, To The Land afterwards he in my Presance applied to The Sheriff for a deed and The Sheriff Said he would & make The deed - and The Witness Further Sayeth That The above Named Sale was in 1816 and him and his Leasers and Purchasers under him have had The Land in Possession ever Since and further This witness Sayeth Not

Abraham Crabtree

Drury F Carter a Witness of Lawful age being first duly Sworn deposeth and Sayeth Question By Dept, do or do you know That The Land That you Live on was known as The Nearly Land = Know it was ans. I do and I Purchased of Edward Pennington in The Same Survey Some 15 or 16 years ago, and 2 years after bought another Tract and have been Living on The Same in peaceable Possession ever Since and Further This Witness Sayeth Not

Drury F Carter
his mark

of Abraham Crabtree, Drury H Carter, William H Hughey and James Crabtree were deposed, sworn, & subscribed to before me, at my Store House, on the 14th day of July 1854. Given under my hand, this the 14th day of July 1854

A. J. Litton J.P.

Recorded July 1854

To Messrs. Thomas & Edward Pennington

Take Notice; That on the 10th day of June next at the office of the Auditor of Public Accounts in the City of Richmond Virginia we will take the Depositions of Robert Johnston and others; and at the dwelling house of Nathan Lattathwait in the County of Burlington and State of New Jersey on the 20th day of June next we will take the deposition of said Lattathwait; and at the office of R. A. Cornwell in the City of Perth Amboy, County of Middlesex, State of New Jersey on the 23rd day of June next we will take the Depositions of Revd. James Chapman and Lawrence Kearney, all of which are intended to be read as evidence on our behalf in a suit now pending in the Circuit Court of Lee County Va, wherein we are Complainants and you are defendants - We will continue the taking of said depositions from day to day & time to time until all are completed

March 20th 1853

Mary A. Recklep
Joseph Maitland

Richard Whitlock
to
Mrs. Pennington

Virginia Lee County to wit

This day Levi Pennington personally appeared before me a justice in and for said County and made oath that on the 22nd day of this month he delivered a true copy of the within notice to Edward Pennington, & also a true copy to Thomas Pennington - Given under my hand this 22nd day of March 1853.

S. H. Dunlap J.P.

The Depositions of Robert Johnston and others taken before me John P. Tabb a Notary Public in and for the City of Richmond in the State of Virginia duly Commissioned and qualified, in pursuance of the annexed notice, at the office of the Auditor of Public accounts in the City of Richmond and State of Virginia aforesaid on the 10th day of June 1853, between the hours of Sunrise and Sunset, to be read as evidence in a suit now pending in the Circuit for the County of Lee in the State of Virginia in which Mary Ann Reckless and Joseph Maitland are plaintiffs and Thomas Pennington and Edward Pennington are defendants.

The witness not being ready the taking of the said depositions is continued until tomorrow the 11th Instant at the same place and between the same hours

John P. Tabb Noty. Public

The witness not being ready the taking of the said depositions is continued until the 8th day of July 1853 at the same place and between the same hours.

June 11th. 1853. John P. Tabb Noty Public

July 8th. 1853. The taking of the said depositions is recommenced this day between the hours of Sunrise and Sunset, in pursuance of the foregoing continuance at the office of the Auditor of Public accounts.

Robert Johnston a witness of lawful age being first sworn upon the Holy Evangelists answers and says as follows, to the questions asked

of him.

Question 1st By Plaintiffs Counsel. Please state what office you hold.

Answer - I am the Auditor of Public accounts for the State of Virginia -

Question 2. By Same - Please state whether you have examined the Land Books of the Commissioners of the Revenue for the County of Lee respecting a track of 14.050 acres of land in the names of John McCrady or John Patrick and Mary A. Ricklys to ascertain how the land has been entered and taxes paid - If so, please state fully the result of that examination -

Answer - Upon examination of the Land Books of the Commissioners of the Revenue for the County of Lee from the year 1800 up to the present time respecting a track of 14050 acres of land mentioned, I find the following to be the facts -

In 1800 and 1801 I find a track of 14.050 acres of land charged to John McCrady and the taxes paid -

In 1802 the track of 14.050 acres is charged to John Patrick and (with the exception of the year 1808. when there was no land tax) remained so charged every year up to 1832 inclusive - During this time the taxes appear to have been fully paid or relinquished as there is no charge against the track, or John Patrick in this department for any arrearage of taxes - and such arrearage of taxes, if any existed would appear here - In 1832 the track was returned as unascertainable and removed from the books of the Commissioners -

In 1851 There was entered upon the Land Book of the Commissioner of the Revenue in the County of Lee in the name of Mary A. Ricklys a track of 14.050

acres of land charged with the tax of that year and back taxes and damages from the year 1832 - which were paid into this office on the 5th day of April 1853 - This tract is charged in the manner upon the Land Book of ~~Scott~~ Lee County for the year 1852 and the tax paid -

The Land Books of ~~Scott~~ Lee County for the year 1853 have not yet been returned to this office -

And further this deponent saith not.

R. Johnston

In testimony of the true taking of the foregoing deposition I, John P. Pubb a Notary Public in and for the City of Richmond and State of Virginia have hereunto set my hand and attached my notarial seal at the office of the Auditor of Public accounts in the City of Richmond between the hours of Sunrise and Sunset this eighth day of July 1853.

John P. Pubb. Noty. Public.

Notarial fee $4. Paid by Plaintiff

J. P. T. D.

W. D. Rucklefs et al

vs } Deposition

J. & C. Lemington

Received Sept the 1st

September 1853

D. W. S. Morrison Clk

The Deposition of Watt aw Satterthwaite Esq. Taken before me a Notary Public duly commissioned and qualified for the County of Burlington and State of New Jersey on the twentieth day of June A. D. Eighteen hundred and fifty three between the hours of nine o'clock in the morning and Seven in the afternoon at the Dwelling house of the said Watt aw Satterthwaite in the County of Burlington and State of New Jersey in pursuance of the annexed commission and a notice (of which an attested copy is hereunto annexed) and an attested copy is or will be filed in the cause hereafter named- to be read as evidence on the trial of a certain cause now pending in the Circuit Court of Lee County in the State of Virginia in which Mary A. Beckley and Joseph Wait Land are Plaintiffs and Thomas Pennington and Edward Pennington are defendants-

Watt aw Satterthwaite Esquire a witness of Lawful age alledging himself to be conscientiously scrupulous of taking an oath and being by me duly affirmed answers and says as follows to the questions propounded to him

1- Question by Plaintiffs Counsel- Do you know the parties in the above suit either or which of them if aye state how long you have known them or either of them?
answer- I know the Plaintiffs therein, I do not

Nathan Satterthwait

knew the Defendants - I have known Mary a. Beckles about twenty years - I have known Joseph Maitland for three years -

2. Question - What is your age and occupation?
answer - Sixty four years - I am a Farmer -

3. Question - ~~What~~ Was the said Mary a. Beckles ever married - if aye state how often, when and to whom -?
answer - She has been married twice - her first husband was John Patrick - I cannot say when she was married to John Patrick - her second husband was Joseph W. Beckles - she was married to Joseph W. Beckles on the Second day of October a. D. 1837 - She has never been married since -

4. Question - Where did the said John Patrick her first husband reside - what was his business and when did he die -?
answer - He resided in the City of New York - I cannot say positively what his business was - he was a Merchant there but I dont know what business - he died in the year Eighteen hundred and twenty six -

5. Question - Had the said Mary a. Beckles any issue by her first marriage?
answer - She had nine -

6. Question - Did the said John Patrick leave any issue or brothers or sisters or other relatives living at the time of his death - if aye give the names of such relatives and state which of them or who succeeded to the property of the

Nathan Satterthwait

said John Patrick at the time of his death?
answer- He left no issue or brothers or sisters or any other relatives that I have ever heard of- his wife Mary a. Patrick succeeded to all his property both in this State and New York at the time of his death as his Widow and sole heir at Law-
7. Question- Is the said Joseph W. Beckles now living- if Way State when he died and whether he left any issue by the said Mary a. Beckles?
answer- He is not living- he died on the Second of February a. D. 1849- and left no issue-
8. Question- Did the said John Patrick and Joseph W. Beckles or either and which of them leave any Last Will and Testament-?
answer- Neither of them left a Will-
9. Question- What was the business and character of the said Joseph W. Beckles?
answer- For several years before he died, he followed no business- he was addicted to drink and that was the cause of his death.
10. Question- Do you know any thing else material to the Plaintiffs in this cause- if aye state the same as if you were fully interrogated thereto?
answer- I know nothing else but what I have above stated-

Nathan Satterthwaite

I Garret S. Garrison Notary Public duly commissioned and qualified for the County of Burlington and State of New Jersey certify that the foregoing Deposition of Nathan Satterthwaite all of which is written in my own hand writing

was taken before me at the Dwelling House of the said Nathan Satterthwaite on the twentieth day of June A. D. 1853 — and on the fifteenth day of September A. D. 1853 to which day the taking of the said depositions was continued not having been completed on the said twentieth day of June and affirmed and subscribed before me at the said Dwelling House on the fifteenth day of September A. D. 1853 —

Given under my hand and Seal of Office this Fifteenth day of September A. D. 1853 —

Garret S. Garrison

Notary Public —

THE COMMONWEALTH OF VIRGINIA, TO any Justice of the peace or Notary Public or Notary Public of the County of Burlington, State of New Jersey Gentlemen Justices greeting: Know you that we, trusting to your fidelity and provident circumspection, do require you that, at such certain times and places as you shall appoint, to call and cause to come before you Nathan Lattathwait

witness on behalf of Mary A. Recklefs & Joseph Maitland

in a certain matter of controversy in our circuit Court of Lee County, depending between Mary A. Recklefs & Joseph Maitland Complainants and Edward & Thomas Pennington defendants

and ~~them~~ him diligently examine touching the same in solemn form, on oath or affirmation, and having received ~~their~~ his examination as aforesaid, that you distinctly, plainly and without delay, send and certify the same inclosed into our said Court, together with this writ. Witness, JOHN W. S. MORISON, Clerk of our said Court, at the Court House this 22nd day of March 1853 in the 77th year of the Commonwealth.

J. W. S. Morison Clk.

Mary A. Rockefeller

by

W. B. Simpson

To. Messrs Thomas & Edward Pennington

Take Notice That on the 10th day of June next at the Office of the Auditor of Public Accounts in the City of Richmond - Virginia - we will take the depositions of Robert Johnston and others - and at the Dwelling house of Nathan Battelswait in the County of Burlington in the State of New Jersey on the 20th day of June next we will take the deposition of said Battelswait; and at the Office of R. H. Cornwell in the City of Perth Amboy. County of Middlesex in the State of New Jersey on the 23rd day of June next we will take the depositions of Revd James Chapman and Lawrence Kearney, all of which are intended to be read as evidence in our behalf in a suit now pending in the Circuit Court of Lee County Va. wherein we are complainants and you are Defendants - We will continue the taking of said Depositions from day to day and time to time until all are completed —

Mary A. Rechlefs
Joseph Maitland —

March 20. 1853 —

Virginia - Lee County - to wit - This day Lewis Pennington personally appeared before me a Justice of the Peace in and for the said County and made oath that on the 22nd day of this month he delivered a true copy of the within notice to ~~Edward~~ Thomas Pennington and also a true Copy to Edward Pennington - Given under my hand this 22nd day of March 1853 -

S. H. Duff. J.P.

A copy from the original which is filed with the depositions of Robert Johnston Sals — in this cause

Make another copy of this —

Mary A. Ricketts et al

vs } Depositions
Pennington
Dwight Campbell

Received Seated the 30th Sept.

1853 D. U.S. Marion Co

Pennington Case.

Va Lee County Court

This day Thomas Dennyton personally came before me the undersigned a justice of said County and made oath that he has very lately ascertained that there are witnesses residing in eastern Virginia whose evidence will be material and important for him in the Chancery suit now pending in the Circuit court of Lee County in which Joseph Maitland and Mary Ann Rickleys are Complainants and he and Edward Dennyton are Defendants and that he the said affiant can not go safely into trial without the said evidence ~~Affiant~~ And that there is other material evidence that he desires to take in Lee County which he has not been able yet to take without which he can not go safely into the Trial of the Case Given under my hand this 3rd day of May 1837

S. S. Crockett JP

Thos Dennington

adv } affidavit

Maitland & Ritchys

In County Court

This day Thomas Pennington personally came before me the undersigned a justice of said County and made oath that he is informed and believes that there are witnesses in Edenburg Scotland whose evidence will be very important and material for him in his defence in the Chancery Suit now pending in this Court in which Mary A Ruthelys and Joseph Maitland are Complainants and the said affiant and Edward Pennington are Defts that he has given notice for taking said depositions and spoke to his Counsel to send on the papers for the purpose of obtaining said evidence but has not yet received the depositions. That he can not prove the same facts by any other witness and can not go safely into the trial of said case without said evidence and that he expects to be able to obtain said evidence by the next term of the Court Given under my hand this 3rd day of October 1854

S. H. Duffield

Thomas Pennington

ads } Affidavit

M A Ruckly & c

1855 Oct. term filed

This indenture made this 15th day of November in the year of Christ Eighteen Hundred and thirty two between Abraham Crabtree & Robert w Wynn Executors of Job Crabtree Decd of Lee County & State of Virginia of the one part and Thomas Penington of the County & State aforesaid of the other part witnesseth that the said Executors for and in Consideration of the sum of one Hundred and fifty Dollars to them in hand paid the receit whereof is hereby acknowledged hath bargained & sold & by these presents do bargain and sell unto the said Thomas Penington a certain tract or parcell of land lying in Lee County and on Strait Creek and bounded as followeth to wit beginning on a Spruce pine Beach and Buckeye near strait Creek N 70° E 108 poles To a Blackoak Black gum two white oaks and two Blackoaks on the top of a Spur of the Lone mountain & with the meanders of the Spur North the general course of the Spur 338 poles to two chestnutoaks & Black gums on the top of said Spur N 30° W 100 poles to a whiteoak redoak & white Bay near strait creek N 20° E 26 poles to a Beach & double gum N 20° W 45 poles to two sugartrees & Beach on the Bank of gins creek S 42° W 290 poles to two whiteoaks Beach & Birch S 26° E 355 poles to the beginning the same Containing 270 Acres more or less with all the appurtenances thereto belonging To have and to hold the said parcell of land with all & singular the hereditaments thereto belonging with all and singular there right title there unto belonging to the said Thomas Penington his heirs and assigns forever To & for the only proper use and behoof of him the Said Thomas Penington his heirs & assigns forever and the said Abraham Crabtree and Robert w Wynn for themselves their heirs the said tract of Land with all & singular the appurtenances to the Said Thomas Penington his heirs and assigns per from the Claims or Claims all persons whatsoever shall will and do warrant and forever defend by these presents in witness whereof we have hereunto set our hands & affixed our Seals the Day and year first above written

Robert w wynn Seal

Abraham Crabtree Seal

Virginia

At a court begun & held for Lee County at the Courthouse thereof on Monday the 21st day of January 1833. This Indenture of bargain & Sale for Land between Abraham Crabtree and Robert W. Wynn Executors of Job Crabtree Dec'd of the one part and Thomas Pennington of the other part, was acknowledged in open court by the said Executors and ordered to be Recorded

Teste

J W S Morison DC

Thos Pennington

From Deed

Crabtree Ex'rs

Recorded in Book

No 1 Page 100

(1)

Know all Men by these Presents, That we Tobias S. Pennington and Joseph Ely Administrators of Thomas Pennington Deceased and Tobias S Pennington and Levi Pennington Administrators of Edward Pennington Deceased Elijah Pennington Tobias S Pennington & Henry J. Morgan are held and firmly bound unto Joseph Maitland and Mary A. Rucklef to be in the sum of Three hundred Dollars paid unto the said Joseph Maitland & Mary A Rucklef their executors, administrators or assigns, for the true payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 1st day of October 1860.

THE CONDITION of the above obligation is such, that whereas, ~~the above bound~~ Thomas & Edward Pennington has obtained from the Judges of the Supreme court of Appeals a supersedeas to a decree pronounced by the Circuit Court for the County of Lee, on the day of October 1855, in a cause in which Joseph Maitland and Mary A Rucklef were plaintiffs and said Thomas & Edward Pennington were defendants.

NOW IF THE SAID Thomas & Edward Pennington's Administrators shall well and truly perform and satisfy the said decree, in case the same shall be affirmed, or the supersedeas be dismissed, and also pay all such damages, costs and fees which may be awarded against ~~them~~ then this obligation to be void, otherwise to remain in full force.

Tobias S. Pennington {SEAL.}

Joseph Ely {SEAL.}
administrator of Thomas Pennington Dec'd

Tobias S. Pennington (Seal)

Levi Pennington (Seal)
administrator of Edward Pennington Dec'd

Elijah Pennington (Seal)

H. J. Morgan (Seal)

Thos & Edward Penny
for
vs Injunction

Jos Maitland & M. A. Reddy

Oct 1st 1860 Bond filed

This Indenture Made this 1st day of September 1840
between Claiborne Anderson commissioner of delinquent
and forfeited lands for Lee county Virginia of the one
part and Edward Cunningham and Thomas Cunningham
of the other part. Witnesseth. that whereas a certain tract
or parcel of land, excepting two fifty acre tracts each of
which have been heretofore patented to Bob Crabtree
situated Six Miles North east of Lee court House and
charged upon the land books of Lee county in the
name of John James M'Brady and others the owners thereof
which tract entire contains 1400 acres has been returned
delinquent pursuant to law in the name of the said
John M James M'Brady and others for the non payment
of the taxes due thereon for the year _____ which
taxes together with the taxes thereon chargable by law
amounts to the sum of _____. And whereas the said
commissioner having been duly and legally appointed
for that purpose by order of the Circuit Superior court
of law and Chancery of Lee county, made his report to
said court pursuant to law in which the portion of
said tract of land not excepted was reported as delinquent
and forfeited in the name of the said John M James M'
Brady & others for the non payment of the said taxes for
the year aforesaid. And whereas the said court pur-
suant to the act of Assembly entitled "an act to amend
and explain the laws concerning Western land
titles and for other purposes" passed March 30th 1837 did
on the 11th day of April 1840 render a decree requiring
the said commissioner to make sale of the said portion
of said tract of land (with others) pursuant to the
terms of said decree. and pursuant to law. And whereas
the said commissioner in obedience to said decree.
after having duly advertised the said portion of said
tract of land pursuant to said decree and pursuant to
law. and the said taxes and damages charged thereon not

having been paid on or before the day of sale fixed upon in said advertisement according to the terms of said decree, and according to law. And on the 15th day of June 1846, being the first day of the June court after the said portion of said tract of land for sale at public auction at the front door of the courthouse of said county, to the highest bidder pursuant to the terms of said decree, and pursuant to law, and the said Edward & Thomas Bennington having offered to pay the sum of fourteen dollars and fifty cents for the said portion of said tract of land, and being the highest bidder therefor, the same was knocked off to them at the price of fourteen dollars and fifty cents aforesaid all which has been fully paid. Now this Indenture further witnesseth that the said Blaisdell Anderson Commissioner as aforesaid for and in consideration of the sum of fourteen dollars and fifty cents to the said Anderson in hand paid by the said Edward & Thomas Bennington the receipt whereof is hereby acknowledged hath bargained sold and conveyed and by these presents doth bargain sell and convey unto the said Edward & Thomas Bennington and their heirs forever the said portion of said tract of land with the exception of the said two acres hereto aforesaid with all and singular the appurtenances thereunto belonging. And the said Blaisdell Anderson Commissioner as aforesaid by virtue of the authority vested in him by the said decree and by law doth hereby convey assign and transfer to the said Edward & Thomas Bennington and their heirs all the state right title and interest and claim to the said portion of the said tract or parcel of land aforesaid with the appurtenances aforesaid which he is authorized to convey under said decree and which was vested in the said John and James W. Brady & others to have and to hold the said unto the said Edward & Thomas Bennington and their heirs forever. In witness whereof the said Blaisdell Anderson hath hereunto set his name and affixed his seal the day and year first above written.

Blaisdell Anderson Commissioner (S)

For county clerks office the 17th day of September 1846

This Indenture of bargain and sale for land between Blaisdell Anderson Commissioner of delinquent and forfeited lands for the county of Itawamba and Edward Bennington and Thomas Bennington of the other part was acknowledged before me and admitted to record.

A. W. S. Morrison Clk

A copy Test,

A. W. S. Morrison Clk

For 50 Cents

Comr's Deed.

Maitland &al
vs
Pennington's

Exhibit
L
with Bill-

This Indenture of bargain and sale made and concluded upon this the second day of March in the year of Christ 1846 by and between Edward Pennington of Lee County and State of Virginia of the one part, and Thomas Pennington of the County and State aforesaid of the other part, Witnesseth Whereas the said Edward Pennington hath for and in consideration of the sum of one dollar and fifty cents to him in hand paid, the receipt whereof he doth hereby acknowledge hath sold and delivered to the said Thomas Pennington a certain tract or parcel of land lying on the South side of the poor Valley Ridge adjoining lands of said Thomas Pennington containing 49, acres be the same more or less, and bounded as follows (to wit, Beginning on two beaches corner to to a survey made in the name of said Edward then N 20° W 90 poles to four chesnutoaks and double chesnut on the top of the poor Valley Ridge and with the main top Eastwardly 164 poles to two small beaches Sourwood and blackoak on the top of said Ridge then S 5° E to intersect a line of said survey and with said line S 79° W 45 poles to a stake corner to said Survey then S 43° W 130 poles to the Beginning to have and to hold the said tract or parcel of Land with all its appertenances to the sole use of him the said Thomas Pennington and his heirs for ever, and the said Edward Pennington and his heirs doth covenant with the said Thomas Pennington and his heirs, the said tract of parcel of land, will forever Warrant and defend against the claim or claims of all persons whomsoever in witness whereof he hath hereunto set his hand and seal the day and year first above Written Signed, sealed in presence of -

Virginia, Edward his mark Pennington Seal

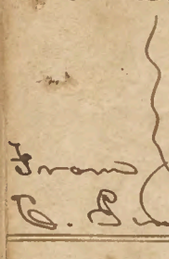
At a Court of quarter Sessions begun and held for Lee County, at the Courthouse thereof on the 16th day of March 1846 this Indenture of bargain and Sale for land between Edward Pennington of the one part, and Thomas Pennington of the other part, was acknowledged in open Court and ordered to be recorded.

Teste

D. W. S. Morison ck

Thomas Denning
deed — York
Edward Pennington

1410
Thomas Pennington



From Jed
E. Pennington

Recorded in Book
No 10 page 200

to

This indenture of bargain and sale made and concluded on the 18 of February in the year of Christ 1850 between Edward Parson of Lee County and State Virginia and Tobias I Pennington of the county and State aforesaid of the other part Witnesseth whereas the said Edward Parson have rec and in consideration of the some three hundred dollars to him in hand paid hath sold and delivered a certain tract or parcil of land lying and being in Lee county in the powally the land that Edward Pennington deeded to Edward Parson containing one hondred acres be the more or less bounded as followeth viz Beginning on a beech near a branch thence northwardly with the meanders of said branch 155 poles to three chesnuts on the top of the stone mountain in the bar gap thence East wardly with the meanders of the top of said mountain 205 poles to a hickry and blackoak on the top of said mountain in the blue spring gap a corner of Hiram Elys thence southwardly with said Elys lines 220 poles to the top of the powally ridg thence Westwardly with the meanders of said ridg 125 poles to a pine and black gum on the top of said ridg a corner of Tobias Pennington's thence northwardly 56 poles to the begining To have and and to hold the said tract or parcil land with all its appertinances to sales use and behoof of him the said Tobias I Pennington and his heirs and said Edward Parsons and his heirs doth covenant with the said Tobias I Pennington and his heirs will forever warent and defend from all claims

Virginia, Lee county clerks office this 1st day of February 1851 this Indenture of bargain and sale for land between Edward Parsons of the one part, and Tobias I. Pennington of the other part, was acknowledged before me and admitted to record

Edward Parson [seal]

D. W. S. Morison Cl

303

Recorded in Book
No 11 page 342.

This Indenture of bargain and sale made and concluded on the 18th day of October in the year of Christ 1844 Between Edward Penington of Lee County and State of Virginia of the one part and Thomas Penington of the County and State aforesaid of the other part Witnesseth that whereas the said Edward Penington have for and in consideration of the sum of ten dollars to him in hand paid hath sold and delivered a certain tract or parcel of land lying in the County on the north fork Powels River at the end of the poor valley Ridge containing forty Acres be the same more or less and bounded as follows to wit Begining on a corner Penington land on a sycamore and lynn by the side of a branch thence due north 36 poles to a maple and three beech thence due east with a spur of the poor valley ridge to the top of the spur thence with said spur to the top of the poor valley ridge to a line of forty Acre survey belonging to said Penington with said line thence due south 60 poles to two white oaks and a beech thence due west to the old orrigenal line with the said line to the Begining, have and hold the said tract or parcel of land with all its appertenances to the sole use and behoof of him the said Thomas Penington and his heirs and the said Edward Penington and his heirs doth covenant with said Thomas Penington and his heirs will forever warrant and defend against all clames, hath set his hand and affixed my seal the year and day above writen

Edward his + mark Penington (Seal)

Virginia,

At a court begun and held for Lee County, at the courthouse thereof on the 21st day of October 1844 This indenture of bargain and Sale for land between Edward Penington of the one part and Thomas Penington of the other part, was acknowledged in open court and ordered to be recorded

Teste, D. W. S. Morrison C.L.

Thomas Symington 349

From [illegible]
T. Symington

Recorded in Book
No. 9 Page 383

$2.28/100

AUDITOR'S OFFICE, September 20th 1854

Received of Mary Ann Reckless the Treasurer's

Receipt for Two Dollars and twenty eight cents on account

of the redemption of Her Land, returned delinquent for the non-payment of Taxes,

by the Sheriff of Lee County for the year 1853

14.050 acres

Black Mountain

Duplicate

E L Smith, 1st Clk,

as such, Acty Aud.

To Clerk
of Court

Pursuant to a notice given by Thomas Pennington and Edward Pennington to Joseph Maitland and Mary A Rucklefs (Through their counsel) I a justice of Lee county have this 12th day of April 1854 at the Store house of Andrew J Lillon in Lee county Va proceeded to take the depositions of the following witnesses on behalf of said Penningtons to be read as evidence upon the trial of the suit in chancery now pending in the Circuit Court of Lee county Va wherein the said Joseph Maitland and Mary A Rucklefs are Plaintiffs and the said Thomas Pennington and Edward Pennington are Defendants

Abraham Crabbee a witness of lawful age after being duly sworn deposeth and saith that

Va Lee County to wit

I A. J. Lillon a justice of Lee County do certify that the foregoing depositions of ~~Abraham Crabbee~~ Jacob Hoover George Hoover & Robert M. Mynn

were duly taken sworn to and subscribed before me at the time and place mentioned in the caption given under my hand this 12th day of April 1854

A. J. Lillon JP

Jacob Hoover of Lawful age after being duly
Sworn deposeth and sayeth That I leared
The Land of Job Crabtree in the year 1821 or
1822 said to be the McCrady Tract of Land That
was then claimed by Job Crabtree and I have
Lived on the same Land until this date
under said Job Crabtrees title and further This
deponant sayeth not Jacob his Hoover
mark

George Hoover of Lawful Age after being duly
Sworn deposeth and sayeth
question by Defendant do or do you not Know
how long ago William Eldridge was Tenant under Thomas
Pennington on the McCrady Tract of Land. Ans
Ans Twenty one or Twenty two years ago
question by Same. how long ago was you
Tenant under Edward Pennington on the The land
said to be the McCrady Tract of land
Ans Fourteen years Further This
deponant sayeth not George his Hoover
mark

Robert W Wynn a witness of Lawful age after
being duly Sworn deposeth and sayeth
quston by Deft do or do you not Know how long ago
it was that Henry Day was Tenant under Job
Crabtree on the McCrady tract of Land
Ans. I do not Know how long ago he was first
made Tenant under Crabtree. but in 1825 he
was Tenant to my Knowledge. further This
deponant sayeth not

Robert W Wynn

Mr Joseph Maitland and Mary Ann Rucklys

Take notice that on the 18th day of July 1854 at the store house of Andrew J Lillon in Lee County we will proceed to take the depositions of Abraham Crabtree & others continuing from day to day until the depositions are completed to be read as evidence upon the trial of the suit in chancery now pending in the circuit court of Lee County wherein you are Plaintiffs and we are Defendants

June 21st 1854

Yours &c
Thomas Pennington
Edward Pennington

Lee County Court

This day Henry S Kane personally came before me the undersigned a justice of said County and made oath that on the 23rd day of June 1834 he delivered a true copy of the within Notice to Samuel C Faulkerson the counsel of the Plaintiffs in the within mentioned case Given under my hand this 23rd day of June 1834

John Hughes

Abstract of the Sales of delinquent and forfeited lands in the County of Kanawha, prepared from the orders and decrees of the Circuit Superior Court of Law and Chancery of the said County, and the reports of Claibourne Anderson Commissioner of Sales.

Names of persons charged with taxes.	quantity of land.	Local description of land.	When Sale ordered.	Names of purchasers and date of Sale.	Gross Amount of Sales.	Total cost of Sales.	Net Amount of Sales.	Bonds payments and fourths.	Interest allowed by Commissioners for delay in collecting.	Amount of money collected on bonds.	Explanations and Remarks.
Beaty Martin	9	Coal	15th June 1840	John M. Beaty 15th June 1840	1 25			1 81½	1 25		The whole amount of the purchase money for the respective tracts, being paid by James Crabtree, Patrick Ewing, Samuel Caldwell John M Beaty & R. M. Ely and Charles Coats was paid by them to the Com. at the date of their respective purchase
Jones John Estate	* 141	"	"	John Smyth "	30 00			1 50	30 00		
Taylor Nathaniel Heirs	+ 1000	Black Mountain	"	Henry S. Kane "	12 50			3 12½	12 50		
McBrady Jno. & James Est	* 12050	A. B. &.	"	James Crabtree "	14 50				14 50		
Campbell Arthur Est	910	Blackwater	"	Patrick Ewing "	1 00				1 00		
Ely William	337/61	both S. B.	"	Saml. Caldwell "	2 00				2 00		
Fields Nathan	7060	Mountain	"	J. M. Beaty & "	1 50				1 50		
Johnston John	6000	Elk Head	"	R. M. Ely "							
Fields Nathan	19390	both Sides	"	Charles Coats "	31 00				31 00		
		B. Mountain	"	A. W. Mills "	35 00			8 75	35 00		
					114 00						
Printers bill for advertising Sales						4	67	85			
Compensation allowed Com. for his Services						9	37½				
Amount added for prompt payment at 6 per cent						6	00				
on three fourths of $36						2	62				

* 2 tracts of 50 acres each patented to Job Hutchinson exceptions out of this
\+ this is part of 1155 acre tract
\+ part of a 83000 acre Survey

Abstract Sales of
Delinquent Lands

Copy forwarded 23rd
Oct. 1826

Perth Amboy N.J. 8th April 1854

Circuit Court of Lee County. Va.

To. Stephen D.R. Paterson Dr.

To Services in executing a Commission, and taking the depositions of Lawrence Kearny and James Chapman, Witnesses in behalf of Plaintiffs in a certain suit wherein Mary A Reckless and Joseph Maitland are Plaintiffs, and Thomas Pennington and Edward Pennington are Defendants —— —— $3.00

John Patrick to Mary

This Indenture of bargain and sale made and entered into the 29th day of March in the year of Christ 1842 between Edward Pennington of Lee County and State of Virginia of the one part, and Thomas Pennington of the County and State aforesaid of the other part, Witnesseth That the said Edward Pennington for and in consideration of the sum of [illegible] to him in hand paid have bargained sold and delivered a certain tract or parcel of land lying in Lee County on the north side of the Stone Mountain near the mouth of Straight Creek containing ninety four acres be the same more or less and bounded as follows (Towit)

Beginning at two sycamores and buck on the bank of Straight Creek and a line called McCredie's then N 61° E 99 poles to a hickory and blackoak by rock near the top of Stone Mountain N 70° E 54 poles to a chestnutoak and beech N 30° E 32 poles to two hickories Sarvis chestnut and maple then leaving the top of the mountain N 60° E 50 poles to three beeches on a branch and down the same with the several courses thereof 62 poles to a buckeye and forked pine at the mouth of said branch where it empties in the north fork and down said fork N 55° W 42 poles to the mouth of Straight creek then South 18° W 110 poles to a stake near the top of the Stone mountain where it intersect McCredies line and with said line [illegible] N 42° W 170 poles to the Beginning To have and to hold the said boundary with the exception of 21 acres being a part of a 500 acre survey, then leaving the 94 acres with all its appertenances to the sole use of him the said Thomas Pennington and his heirs and the said Edward Pennington and heirs doth covenant with the said Thomas Pennington and heirs the said 94 acres will forever warrant and defend against the claim or claims of all persons whomsoever in witness whereof he hath hereunto set his hand and seal, the day and year first above Written

his
Edward Pennington (Seal)
mark

Lee County clerks office the 5th day of January 1843 This Indenture of bargain and Sale for land between Edward Pennington of the one part, and Thomas Pennington of the other part, was acknowledged before me and admitted to record. D. W. S. Morison DC

Thomas Pennington

from Deed
Edward Pennington

Recorded B. 9 P. 89

Received the clerks fee
for recording this deed
A. M. S. Morison Clk

Joseph Maitland and Mary A Ricketts

Take notice that on the 12th day of April 1854 at the Stone house of Andrew J Litton in Lee County Va I shall proceed to take the depositions of James Crabtree & others (continuing from day to day if necessary until the depositions are Completed) to be read as evidence upon the trial of the suit in Chancery now pending in the Circuit Court of Lee County Va Wherein you are Plaintiffs and we are Defts

March 22nd 1854

Yrs &c

Thomas Dennyton

Edward Dennyton

Lee County Iowa

This day Henry S Kane personally came before me the undersigned a justice of said County and made oath that on the 22nd day of March 1854 he delivered a true copy of the within notice to Samuel V Fulkerson Counsel of the Plaintiffs in the within entitled case Given under my hand this 22nd day of March 1854

Levi Pennington JP

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF Lee GREETING:

We command you to summon Thomas Ennington and Edward Ennington

to appear before the Judge of the Circuit Superior Court of Law and Chancery for Lee County, at the Clerk's Office of our said Court, at Jonesville, to be held on the [redacted] in the first month of May in Lee next to answer a bill in Chancery exhibited in our said Court against them by Mary A. Rucklesp and Joseph Maitland

and unless ... shall appear ... within one month thereafter, the same will be taken for confessed, and the said Court will proceed accordingly. And have then there this writ. Witness, John W.S. Monison, Clerk of our said Court, at the Court-House, this 4th day of September 1857 in the 76th year of the Commonwealth.

J. W.S. Monison clk

F.

Mary A. Rockhold

vs Sp. Inj. Chancery

H. E. Pennington

Oct. Rules 1857

Executed by delivering
to each of the Defendants
a copy, on the 4th
day of October 1857

John M. Crockett D.S.
for
Samuel Ewing S.L.C.

2 Ent.

Joseph Smithurst et al

vs. } Bill

E. Thomas Pennington

THIS INDENTURE

made this Second day of August in the year of our lord one thousand eight hundred and Seventeen between Joshua Ewing High Sheriff of the County of ~~Scott~~ Lee, in the commonwealth of Virginia, of the one part, and Lob Crabtree of the County of Lee in the Commonwealth aforesaid of the other part:—WHEREAS a certain Tract or parcel of land lying and being in the County of ~~Scott~~ Lee Virginia, Containing fourteen Thousand & fifty Acres

has been returned delinquent in the name of Joshua ele. Crady for non payment of the taxes due thereon for the years 1802, 1803, 1804, 1805. & 1806.

which taxes with the damages thereon chargeable by law, and the fee to the Clerk of ~~Scott~~ Lee County for making out and furnishing to the Sheriff the list of the arrearages upon the said Tract or parcel of land amounts to the sum of Thirty seven dollars & seventy Cents and the said Tract or parcel of land, having been duly advertised according to law, was offered for sale, at public auction, for cash, ~~on~~ at the ~~day of~~ August Court held for ~~Scott~~ Lee County at the Court House which ~~day of the said court~~ was on the day of August one thousand eight hundred and sixteen, or so much thereof as would be sufficient to discharge the said arrears of taxes with the damages and fee aforesaid, when the said Lob Crabtree offered to pay the said sum of $37.90 for the whole tract and no person offering to pay the same for a less quantity of land than the whole tract the same was bid off to the said Lob Crabtree for the said sum of $37.90.

Now This INDENTURE Witnesseth, that the said Joshua Ewing High Sheriff as aforesaid for and in consideration of the said sum of $37.90 to him in hand paid, the receipt whereof he doth hereby acknowledge, doth bargin and sell unto the said Lob Crabtree and his heirs, the said Tract or parcel of land with the appurtenances forever. And the said Joshua Ewing High Sheriff as aforesaid, by virtue of the authority invested in him by law, doth hereby convey, assign and transfer to the said Lob Crabtree and his heirs all the estate, right, title, interest and claim to the said Tract or parcel of land aforesaid, with the appurtenances which he is authorised to convey under the Laws of the Commonwealth of Virginia, for the sale of delinquent lands, and more especially under the Act entitled "An Act to amend and explain the Act entitled an act concerning taxes on lands" Passed February 9th. 1814. In Witness whereof the said Joshua Ewing High Sheriff as aforesaid, hath hereunto subscribed his name and affixed his seal the day and year first above written.

Signed, Sealed and delivered in presence of

Josh Ewing Seal

Lob Crabtree Deed

for John M. Crabtree Land

14,050 acres

Acknowledged in the Clerks

Office of Lee County the

2nd day of August 1817

Test Charles Carter C.L.C.

Recorded

(A)

(with another Plat also)

C

This Indenture made this twentieth day of March in the year of our Lord one thousand seven hundred and ninety seven, between John McCredie and James McMillan of the City of Richmond and commonwealth of Virginia of the one part and John Patrick of the City and state of New York of the other part witnesseth that whereas the following patents bearing date, the eighth day of March in the year one thousand seven hundred and ninety six, under the seal of the Commonwealth of Virginia were issued to the aforesaid John McCredie granting to him and his heirs forever, the lands hereinafter mentioned. That is to say, one patent for fifteen thousand nine hundred and fifty acres of land, situate, lying and being in the County of Lee on the waters of Powells River and Clinch, bounded as followeth to wit, Beginning at a large white oak, dogwood dyan and white walnut on a small rise east of a branch of Powells River, in the wild Cat valley about one mile from the dividing ground, that divides the abovementioned branch, and the head waters of the north fork of Clinch south 18 W 200 poles, crossing a branch to an Ash and two white walnut saplings, thence S 46 W 500 poles, crossing three branches of the north fork of Clinch to a sugar tree, dogwood and beech, in a flat, thence S 35 W 190 poles to a maple and spanish oak on a ridge S 56 W 142 poles to two beeches and two dogwoods in a flat thence S. 29 W 368 poles crossing a large branch to a poplar and two dogwoods on a hill side S 35 E 116 poles crossing the north fork of Clinch four times to a large beech white oak and small sugar tree on the bank of Dry branch S 19 E 136 poles crossing a large spring branch to a spanish Oak on a hill side S 51 E 156 poles crossing two branches to a sugar tree and three beeches near the road and across the same that leads from the flat Lick to the Rye cove, thence north 55 E 140 poles to two beeches and mulberry on the side of a hill thence N 68 E 240 poles to two Buckeyes and white walnut near the road thence south thirty two E 189 poles down Stock Creek to two beeches and sugar tree on a point, thence N 41 E 240 poles crossing Stock Creek to a white oak two Chestnuts and a cucumber tree on the top of the Cove ridge near to the road that leads to the Rye Cove in Rusell County, Thence north 2000 poles to a stake thence S 51 west 815 poles to the beginning. One patent for fourteen thousand and fifty acres lying and being in the same County on the North fork of Powells River and is bounded as followeth viz! Beginning at two Poplars and a red oak on the side of the hill opposite James Ingales on the north side of Poor Valley thence north 35 west 1290 poles crossing the North fork of Powells river and cane fork to two Chestnut and chestnut oaks on a ridge, thence south 45 west 500 poles crossing five branches to three white oaks and Chestnut oak on a ridge North 71 west 280 poles, crossing two large branches to two small maples and white oak saplins at a dry branche thence south 70 west 450 poles, crossing two branches to a maple chestnut and red oak thence S 45 west 316 poles to two beeches and maple by the side of a large branch thence south 520 poles crossing three large branches to a small locust poplar and chestnut on a ridge south 35 East 448 poles to a large poplar and spanish oak near a large branch at Yokums Camp thence south 44 west 88 poles crossing the creek twice to a sugar tree dogwood and double buckeye on the bank of the creek, thence south 42 East five hundred and sixty poles crossing two creeks waters of the north fork of Powells river to a stake, thence north 50 East 1690 poles to the beginning and one patent for three thousand and seventy five acres situate lying and being in the same county on Wallow Creek and the waters of Trading Creek and is bounded as followeth viz! Beginning at three poplars in a hollow south of the Glade on the Glade branch thence north 65 east 86 poles

to a spanish oak black oak and chestnut on a ridge north 74 poles to a large forked chesnut and black oak on a Ridge thence north fifty four east 380 poles to a large black oak chesnut and hickory on the south side of a ridge north 20 east 100 poles to two black oak gubbs on the side of a ridge north 85 east 194 poles to four small white oaks on a flat on the west side of a fork of Yellow Creek thence north 25 east 118 poles crofsing yellow creek to a double poplar and large chestnut on the side of a hill north 13 east 488 poles crofsing a large spring branch and main Yellow Creek to a chesnut and chesnut oak on a ridge N. 174 poles to two poplars on the side of a ridge N. 70 east 252 poles to two white oaks in a valley near Samuel Ewings land south 20 east 182 poles crofsing a branch of Trading to four poplars from one root on the side of a hill south 35 east 436 poles to a white oak and black oaks saplins near the bank of Trading south 45 west 268 poles crofsing a large branch of Trading Creek to two large black oaks near Archibald Daniels land south 70 west 394 poles to three white oaks on a hill side near yellow creek south 40 west 640 poles crofsing two forks of yellow creek to a red oak white oak and dogwood, near a sink hole thence south 65 west 185 poles crofsing a corner in the long hollow at 126 poles and crofsing a branch to a stake north 59 west 226 poles to the beginning. as also one other patent bearing date the fourth day of March in the year one thousand seven hundred and ninety seven for one thousand nine hundred and fifty two and one half acres, situate lying in the same County and bounded as followeth viz. Beginning on the bank of Powells river nearly opposite Cobbed Chrismans on the north side of the river at two white oaks two dogwoods and a slippery Elm sapling N. 30 west 86 poles crofsing the Kentucky road to three dogwoods and a white hickory west 520 poles, crofsing two springs and including the same to two black oaks and a hickory saplin in a Glade O. 30 W 204 poles to a white oak and Gum near a road S 80 W 202 poles to a double white oak and a post oak and a black oak on a point near a path S 5 W. 428 poles to four white oaks and a large black oak in sight of Powells river N 64. E. 1004 poles N 5 W. 122 poles to the Beginning. the whole quantity of land so as aforesaid granted by the said Commonwealth of Virginia by the several patents aforesaid being thirty five thousand and twenty seven acres and one half of an acre. And whereas the several tracts and parcels of land and every part and the whole thereof so as aforesaid granted to the said John McCredie are now and ever since the emition of the said patents have been held by him in trust and for the joint account and benefit of himself and the aforesaid James Macmillan. And whereas the said John McCredie and James Macmillan, have contracted and agreed with the aforesaid John Patrick for the sale and conveyance to him of all and every part of the aforesaid lands. This Indenture further witnesseth that in execution of the said agreement they the said John McCredie and James Macmillan for and in consideration of the sum of seven thousand and five dollars, and fifty cents, to them at and before the sealing and delivery of these presents, by the said John Patrick in hand paid, the receipt of which they And each of them do hereby acknowledge Have granted, bargained, sold aliened enfeoffed confirmed And do by these presents grant bargain and sell, alien and confirm, unto the aforesaid John Patrick, his heirs And assigns, All and every the aforesaid thirty five thousand and twenty seven acres and one half of an acre of land agreeable to the situation bounds, and description thereof as mentioned and expressed in the four several Patents aforesaid and in the preceding recital in this Indenture contained, with the reversion and reversions, remainder and remainders, rents issues and profits thereof And the appurtenances priviledges and immunities thereunto belonging and all and singular the right, title interest and estate, legal or equitable of them the said John McCredie and James Macmillan or either of them therein, or in any part thereof. To have and to hold the said granted lands and premises with the appurtenances unto the said John Patrick his heirs and assigns forever, to his and their, own proper use and behoof forever. And the said John McCredie and James Macmillan, each for himself his heirs executors and administrators, doth by these presents covenant grant and agree to and with the said John Patrick, his heirs assigns, that they the said John McCredie and James Macmillan jointly and severally their joint and seperate heirs the aforegranted land and premises, and every part thereof, unto the said John Patrick his heirs and assigns, against all and every person and persons, whomsoever, claiming or to claim, right title interest or estate therein, or in any part or parts thereof shall and will from time to time and at all times and forever warrant and defend. In witness whereof the said parties have hereunto set their hands and affixed their seals, the day and year first in this Indenture written.

Signed sealed & delivered
In presence of

John McCredie (Seal)
James Macmillan (Seal)

Arch.d Dalzel, John Dunsmure
Richard Anderson.

Virginia

Virginia to wit

At a General Court held at the Capitol in the City of Richmond the 12th day of November 1798.

This Indenture was acknowledged by John McCredie and James Macmillan parties thereto and ordered to be recorded.

Teste

W. Allen Cl. Cur.

A Copy, Teste,

N. P. Howard, clk.

This copy of a deed for land from John McCredies and James McMillans to John Patrick was received in the Clerk's office of the County Court of Scott County Va, on the 9th day of September 1850, and admitted to record.

A. C. Woodbridge

Mailed to

Remington

Exhibit C with Bill

(6)

9 — 305

11 — 387

Patrick's Deed

tax paid

This Indenture

Made and entered into this Twenty Seventh day of August — in the Year of our Lord One thousand eight hundred and fifty 1850 Between Mary A. Reckless of the County of Burlington in the State of New Jersey Widow of Joseph W. Reckless deceased (and formerly Mary A. Patrick widow of John Patrick deceased) of the one part And Joseph Maitland of the City of Philadelphia in the State of Pennsylvania Attorney at Law of the other part. **Witnesseth** That the said Mary A. Reckless for and in consideration of divers good and valuable considerations and particularly for the sum of Two Hundred Dollars — lawful money of the United States to her in hand paid by the said Joseph Maitland at and before the sealing and delivery of these presents the receipt whereof is hereby acknowledged **hath** given granted bargained and sold and by these presents **doth** give grant bargain sell alien enfeoff release convey and confirm unto the said Joseph Maitland his Heirs and Assigns. All That Certain Tract or piece of Land Situate lying and being in the County of Lee in the State of Virginia upon the north fork of Powells river Yokums fork and the waters thereof containing according to original survey Fourteen thousand and fifty acres (14050) of Land which were surveyed for John McCredie on the Twenty fifth day of January A.D. 1795 and patented to the same on the Eighth day of March A.D. 1796 and was by deed bearing date on the Twentieth day of March A.D. 1797 by deed duly recorded in the Clerks Office of the General Court of Virginia conveyed by the said John McCredie and James McMillan to John Patrick of the City of New York of which John Patrick the said Mary A. Reckless inherited the same in fee and which in the original survey is thus Bounded and described. to wit Beginning at Two poplars and a red oak on the side of a hill opposite Fugates in the North side of the Pea Valley thence North thirty five degrees (35°) West One thousand two hundred and ninety (1290) poles crossing the North fork of Powells and Bare Fork to two Chesnut oaks and a chesnut on a ridge thence South forty five degrees (45°) West five hundred (500) poles crossing five branches to three white oaks and chesnut on a ridge — North seventy one degrees West Two hundred and eighty — (280) poles crossing two large branches to a maple and white oak large saplings at a dry branch thence South Seventy degrees (70°) West four hundred and fifty (450) poles crossing two branches to a maple chesnut and red oak — thence South forty five degrees (45°) West three hundred and sixteen poles (316) to two beeches by the side of a large branch thence South Five hundred and twenty (520) poles crossing three large branches to a small locust poplar and chesnut on a ridge thence South thirty five degrees (35°) East Two hundred and forty eight poles to a large poplar and chesnut oak near a large branch at Yokums camp thence South twenty four degrees (24°) West Eighty - eight (88) poles crossing the creek twice to a sugar dogwood and double buckeye on the bank of the creek thence South forty two degrees (42°) East Five hundred and sixty (560) poles crossing two creeks, waters of the north fork of Powells river to a stake thence North fifty six degrees (56°) East One thousand nine hundred and sixty (1960) poles to the Beginning. **Together** with all the Rights Ways Woods Water-courses Stones Mines Minerals Dwellings Out-houses Rents Claims Privileges and Appurtenances thereto & thereunto in any manner belonging or therewith in any manner connected. — also all Rents & profits of any part or the whole of the said tract of land either hereafter to accrue & which have heretofore accrued, and which remain due and unpaid & which have come into the hands of any person or persons who have not legally accounted to the said Mary A. Reckless (party of the first part) therefor. **And Together** with all the Rights Claims and Demands of her the said Mary A. Reckless arising from or growing out of the said tract parcel a body of land. **To have and to hold** the said Tract parcel a body of Land with all the privileges Appurtenances and Rights hereinbefore mentioned, and the said Rents and profits rights claims and demands of every kind whatsoever unto him the said Joseph Maitland his Heirs and Assigns To his and their only proper use and behoof forever. **And** the said Mary A. Reckless for herself her Heirs Executors and Administrators [redacted] by these presents covenant promise [redacted] agree to and with the said Joseph Maitland his Heirs and [redacted] that she the said Mary A. Reckless her Heirs Executors & [redacted] administrators the title to the said Tract of Land with all the Appurtenances thereunto belonging & therewith connected and the said Rents and Profits Rights Claims and demands unto him the said Joseph Maitland doth by these presents Warrant and forever will Defend against the Claims and demands of her the said Mary A. Reckless and all persons claiming by under or through her but against the claims and demands of no other person or persons whomsoever. In Witness whereof the said Mary A. Reckless hath hereunto set her hand and affixed her seal the day and year first above written.

Sealed and Delivered
in the presence of us.

W. Shippen Jr.
Robt. B. Knight

Mary Ann Reckliffs

Received the day of the date of the above written Indenture of the above named Joseph Maitland the sum of Two Hundred Dollars — being the full Consideration money above mentioned.

Witnesses at signing.
W. Shippen Jr.
Robt. B. Knight

Mary Ann Reckliffs

State of Pennsylvania
City and County of Philadelphia } ss:

I William Shippen Jr. a Commissioner appointed for the State aforesaid under an act of the State of Virginia entitled "an act authorizing the appointment of Commissioners to take Depositions and affidavits the acknowledgments of deeds and Instruments of writing under seal out of the State of Virginia" do hereby Certify that Mary A. Reckless a party to a certain deed bearing date the Twenty Seventh day of — August — A.D. 1850 and hereto annexed personally appeared before me in my state aforesaid and acknowledged the same to be her act and deed and desired me to certify the said acknowledgment to the Clerk of the proper Court in the State of Virginia in order that the said deed may be recorded.

Given under my hand and seal of Office at Philadelphia on the Twenty Seventh day of August — A.D. 1850.

W. Shippen Jr.

State of Pennsylvania to Wit: I William Shippen Jr. a Commissioner appointed by the Governor of the State of Virginia for the said State of Pennsylvania, Certify that Mary Ann Reckliffs whose name is signed to the writing above bearing date the twenty Seventh day of August One thousand eight hundred and fifty has acknowledged the same before me in my State aforesaid. Given under my hand this Twenty first day of September — A.D. 1850.

W. Shippen Jr.

Joseph Maitland

Form 3 Deed

Mary Ann Reckless.

Recorded in Book

No 12 Page 1

to

Pennington

DEED

Mary A. Reckless

to

Joseph Maitland

for fourteen thousand and fifty acres of land in Lee County, Virginia

In a county clerks office the 4th day of September 1851 this Indenture of bargain and Sale for land between Mary A. Reckliffs of the one part, and Joseph Maitland of the other part, was this day received in this office and together with the certificate of acknowledgment of the said Mary A. Reckliffs admitted to record

S. W. S. Morison D.C.

Lee Deed